

In the United States Patent & Trademark Office

Appl. № : 10/807,130
Applicant : Jianmmin Shi
Filed : 03/23/2004
TC/A.U. : 1621
Examiner : Nwaonicha, Chukwuma

Docket № : **ARL 04-16**
Customer № : 21364
Confirmation № : 3686

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING “REFERENCE” APPLICATION**

The United States of America, by the Secretary of the Army through his duly appointed Attorneys, owner of the entire right, title and ownership in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** US patent № 7,135,243 Application Number 10/807,099 filed on March 23, 2004 (Atty. Docket №. ARL 04-17), as such term is defined in 35 U.S.C. §§ 154 & 173, and as the term of any patent granted on said **reference** application may be shortened by any disclaimer filed prior to the grant of any patent on the pending **reference** application. The Government hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, or assigns.

In making the above disclaimer, the Government does not disclaim any part of the patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 & 173 of any patent granted on said **reference** application, “as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the

pending reference application,” in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of Competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is a duly appointed attorney to prosecute the instant application and believes authorized to sign this disclaimer.

Fees

The Director is hereby authorized to charge any fees which may be required, including additional fees or underpayments under 37 C.F.R. § 1.16 & 1.17; and credit any overpayments to Deposit Account No. **19-2201** held in the name of U.S. Army Materiel Command.

Respectfully submitted,
Intellectual Property Counsel
U.S. Army Research Laboratory

By /A. David Spevack/

A. David Spevack
Reg. No. 24,743
Tel.: 301-394-1714
FAX: 301-394-3972
e-mail: dave.spevack@us.army.mil

ATTN: RDRL-LOC-I
2800 Powder Mill Road
Adelphi, Maryland 20783-1197